THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12246 OF 2007

DATED 17th JULY, 2007

BETWEEN:

Bandaru Pentaiah and others

… Petitioners

AND

The State of Andhra Pradesh, rep.by its Secretary, Revenue Department, Secretariat, Hyderabad and others.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioners who are eighteen (18) in number claim to be the owners of land admeasuring Acs.18.00 guntas in survey No.28 situated at Miyapur Village of Serilingampally Mandal in Ranga Reddy District. The petitioners are represented by their two General Power of Attorney holders. The land, which the petitioners claim to be the owners, is part of huge extent of Acs.384.15 guntas in survey No.28. It is the case of petitioners that an extent of Acs.251.06 guntas was owned by one Smt.Jeelani Begum, who migrated to Pakistan, and the balance extent of Acs.133.09 guntas is owned by different persons including late Nagammallaiah and others, the predecessors of petitioners. In May 2007, Mohammed Farooq, General Power of Attorney of petitioners approached second respondent requesting to survey their portion of the land and demarcate the same. He also paid necessary amount. No survey was taken up. In this writ petition, petitioners seek a direction to second respondent to take up survey and demarcate the land.

At the stage of Admission itself, learned Assistant Government Pleader opposes the writ petition. He submits that petitioners are not owners of land admeasuring Acs.18.00 guntas in survey No.28, that the land is in custody of the custodian of enemy property and that there is no sub-division of the land. He also submits that in the absence of sub-division record, survey and demarcation cannot be done. It is also submitted by learned Assistant Government Pleader that in July, 1971 itself, the land was handed over to Hyderabad Urban Development Authority.

The petitioners claim an extent of Acs.18.00 guntas as successors of Nagamallaiah and others. Admittedly, total extent of land in survey No.28 is Acs.384.15 guntas and a part of the land was acquired under Land Acquisition Act, 1894 in 1958 as well as 1972. Therefore, the submission that record is not available cannot be accepted. It may be true that entire sub-division record insofar as Acs.251.06 guntas on one hand and Acs.133.09 guntas, which was claimed by others may not be available, but at the time of land acquisition, certainly the sub-division record must have been prepared. Be that as it is, now that the representation of petitioners is pending and therefore, second respondent may initiate necessary action in respect of the land and pass necessary orders. If for any

reason, survey is not possible either because of the ground position or because of legal hurdles, necessary order shall be passed by Assistant Director, Survey and Land Records, within a period of eight weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

17.07.2007.

Note:
Issue order copy by 20.7.2007.
(By order)
pln